

CIVIL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

NO. C582129

DIVISION "D"

MARIA CRUZ MALDONADO

Individually and as representative of the ESTATE OF ULVALDO SOTO MARTINEZ,
DECEASED, and as Next Friend and Natural Guardian of JUSTIN SOTO-MALDONADO
AND USVALDO JESUS SOTO-MALDONADO,
MINORS, AND GILBERTO SOTO MARTINEZ

VERSUS

KIEWIT LOUISIANA CO., MASSMAN CONSTRUCTION CO., TRAYLOR BROS.,
INC., A JOINT VENTURE D/B/A KIEWIT MASSMAN TRAYLOR CONSTRUCTORS
A/K/A KMTC JV, GEC LOUISIANA TIMED MANAGERS, A JOINT VENTURE
PARTNERSHIP, PB AMERICAS, INC. F/K/A/ PARSONS, BRINCKERHOFF, QUADE
& DOUGLAS, INC. AS PARTNER OF GEC LOUISIANA TIMED MANAGERS, A
JOINT VENTURE PARTNERSHIP, LPA GROUP INCORPORATED AS PARTNER OF
GEC LOUISIANA TIMED MANAGERS, A JOINT VENTURE PARTNERSHIP, G.E.C.
INC. AS PARTNER OF GEC LOUISIANA TIMED MANAGERS, A JOINT VENTURE
PARTNERSHIP, ZURICH AMERICAN INSURANCE COMPANY, THE STATE OF
LOUISIANA THROUGH THE DEPARTMENT OF TRANSPORTATION AND
DEVELOPMENT AND JL STEEL REINFORCING, LLC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

GUADALUPE ARENAS VARGAS,)
Individually and As Representative of the)
Estate of MARTIN ANASTACIO REYES)
OSUNA, Deceased, and As Next Friend of)
ZAID MARTIN REYES ARENAS; JUANA)
SYLVIA OZUNA GARCIA; and MARTIN)
REYES ADAME) C.A. NO. 4:09-CV-02521
V.)
KIEWIT LOUISIANA CO., MASSMAN)
CONSTRUCTION CO., and TRAYLOR)
BROS., INC., a Joint Venture d/b/a KIEWIT) JURY TRIAL DEMANDED
MASSMAN TRAYLOR CONSTRUCTORS;)
KIEWIT LOUISIANA CO.; MASSMAN)
CONSTRUCTION CO.; and TRAYLOR)

ORAL AND VIDEOTAPED DEPOSITION OF

CESAR VELADOR MOJICA

VOLUME 1 OF 2

FEBRUARY 17, 2011

ORAL AND VIDEOTAPED DEPOSITION OF CESAR VELADOR
MOJICA, VOLUME 1 OF 2, produced as a witness at the
instance of the Plaintiffs, and duly sworn, was taken
in the above-styled and numbered cause on the 17th day
of February, 2011, from 8:47 a.m. to 6:00 p.m., before
Mary Burkes, CSR in and for the State of Texas,
reported by machine shorthand, at the law firm of
Deutsch, Kerrigan & Stiles, 755 Magazine Street, 2nd
Floor Conference Room, pursuant to Notice, and the
Louisiana Rules of Civil Procedure and the provisions
stated on the record or attached hereto.

A P P E A R A N C E S

FOR THE PLAINTIFF MARIA CRUZ MALDONADO, INDIVIDUALLY
AND AS REPRESENTATIVE OF THE ESTATE OF ULVALDO SOTO
MARTINEZ, DECEASED, AND AS NEXT FRIEND AND NATURAL
GUARDIAN OF JUSTIN SOTO-MALDONADO AND USVALDO JESUS
SOTO-MALDONADO:

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FOR THE PLAINTIFF GILBERTO SOTO MARTINEZ:

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A P P E A R A N C E S

(Continued)

FOR THE DEFENDANT THE STATE OF LOUISIANA, DEPARTMENT OF
TRANSPORTATION AND DEVELOPMENT:

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FOR THE DEFENDANTS GEC LOUISIANA TIMED MANAGERS, A
JOINT VENTURE PARTNERSHIP AND ITS MEMBER/PARTNERS: PB
AMERICAS INC., F/K/A PARSONS, BRINCKERHOFF, QUADE &
DOUGLAS, INC., THE LPA GROUP, INC., AND G.E.C., INC.:

Ms. Leigh F. Groves

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FOR THE DEFENDANT MODJESKI & MASTERS, INC.:

Mr. Terrance L. Brennan (partial)

Mr. Francis J. Barry, Jr. (partial)

Mr. Scott J. Hedlund (partial)

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VIDEOGRAPHER:

Mr. Mark Hendrix

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CESAR VELADOR MOJICA

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EXHIBITS

NO.	DESCRIPTION	PAGE
Plaintiffs™ Exhibit No. 5		83
	Handwritten witness statements, Bates KMTC JV-03248 through 03275	
Plaintiffs™ Exhibit No. 6		122
	Color copies of photos of work/accident area, Bates KMTC JV-02185 through 02191	
Plaintiffs™ Exhibit No. 16		137
	U.S. Department of Labor OSHA "Informal Settlement Agreement, Bates KMTC JV-03238 and 03239	
Plaintiffs' Exhibit 21		167
	"Kiewit Massman Traylor Huey P. Long Bridge Widening PKS #472-22055 Column Guying Analysis & Design," Bates LTM00116 through 00136	
Plaintiffs' Exhibit 39		169
	Drawings with yellow note "Hand delivered drawings from Dan Michalowsky," Bates JL Steel008787 through 008788	
Plaintiffs™ Exhibit No. 47		156
	Hand drawings and e-mail attachment, Bates KMTC JV-03243 through 03247, Business Confidential Information	
Plaintiffs™ Exhibit No. 65		202
	Color copies of KMTC æForemen™s Meeting sheet for Week of 05-22-09 and Week of	

EXHIBITS

NO.	DESCRIPTION	PAGE
Plaintiffs' Exhibit 66		204
	Color copy "Safety Training, Bill Rutzinger, 6/4/2009," Bates KMTC JV-03291	
Plaintiffs' Exhibit 76		204
	"Kiewit Corporation Corporate Crane Procedures Manual," Bates KMTC JV-02280 through 02242, Business Confidential Information	
Plaintiffs' Exhibit 77		95
	06-13-09 statement of Clay Burns, with drawing, Bates KMTC JV-03255	
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	06-21-09 statement of Jose Alejandro, with drawing, Bates KMTC JV-03266	

1 THE VIDEOGRAPHER: Today's date is
2 February 17th, 2011. We are on the record at 8:47.
3 Start Tape 1.

4 CESAR VELADOR MOJICA,
5 having been first duly sworn, was examined and
6 testified as follows:

7 EXAMINATION

8 QUESTIONS BY MR. LYON:

9 Q. My name is Bob Lyon, Mr. Velador. If you
10 would, just please state your full name for the record,
11 please, before we allow Mr. Quinn to participate.

12 A. My name is Cesar Velador Mojica.

13 Q. Thank you.

14 MR. LYON: Mr. Quinn, would you like to
15 make an announcement?

16 MR. QUINN: Yeah. This is Wade Quinn. I
17 represent JL Steel, a defendant in this case. And just
18 several days ago, the president of my client, Mike
19 LaPointe, gave his deposition. And at the close of his
20 deposition, both plaintiffs' counsels, Mr. Hernandez
21 and Mr. Lyon, indicated their intention to nonsuit
22 JL Steel from this case.

23 In the day following, the Motion for
24 Nonsuit was prepared with the appropriate Order, and my
25 understanding is that that is -- we're still trying to

1 answer a question. You may say, "Mr. Lyon," or
2 "Mr. Hoefer," or "Ms. Groves, I saw a document before
3 I'd like to look at again before I answer your
4 question."

5 If you need to do that, simply tell us and
6 you'll get all the time that you need. Will you do
7 that?

8 A. Yes.

9 Q. Okay. Now, with that being said, would you
10 tell me where you currently live?

11 A. I live here in Louisiana.

12 Q. And what's the physical address here in
13 Louisiana?

14 A. 910 Pontchartrain Road, Suite T, Jefferson,
15 L.A., 70121.

16 Q. Now, is that an apartment, or is that a house,
17 or what is that?

18 A. The address that I just gave is my -- where I
19 work.

20 Q. Okay. And where do you -- where do you live?

21 A. Where do I live?

22 Q. Yes.

23 A. Here in New Orleans.

24 Q. And the physical address?

25 A. 5229 Citrus Boulevard, Apartment X 173, River

1 A. Yes.

2 Q. Okay. But always, ultimately you get a check
3 from a Kiewit entity, true?

4 A. Yes.

5 Q. Does the check come solely from Kiewit, the
6 parent company, or as you go from various projects --
7 for example, on this Huey P. Long bridge -- does your
8 check come from KMTC?

9 A. Yes.

10 Q. Okay. So when you work on different projects
11 with different Kiewit names, your checks would always
12 come to you under the name of the project that you were
13 on?

14 A. Correct.

15 Q. All right. Now, let's move a little forward
16 here to June 12th of 2009. At that time you were the
17 craft superintendent for the Huey P. Long bridge
18 project for KMTC, correct?

19 A. Yes.

20 Q. Who did you report to?

21 A. Dan Michalowski.

22 Q. And what is your understanding of his title?

23 A. He was discipline manager of the
24 substructures.

25 Q. I thought I heard you say he was the

1 IN WITNESS WHEREOF, I have hereunto affixed my
2 hand and seal of office on this, the _____ day
3 of _____ 2011.



4
5 *Mary Abbott Burkes*

Mary Abbott Burkes,
Certified Shorthand Reporter
In and for the State of Texas
Certification No. 5199

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